

ORIGINAL

1 HULETT HARPER STEWART LLP
2 BLAKE MUIR HARPER, SBN: 115756
3 JENNIFER A. KAGAN, SBN: 234554
4 550 West C Street, Suite 1600
5 San Diego, CA 92101
6 Telephone: (619) 338-1133
7 Facsimile: (619) 338-1139
8 e-mail: kbh@hulettharper.com
9 bmh@hulettharper.com

10 WOLF POPPER LLP
11 LESTER L. LEVY
12 PATRICIA I. AVERY
13 EMILY MADOFF
14 ELIZABETH FERGUSON
15 845 Third Avenue
16 New York, NY 10022
17 Telephone: (212) 759-4600
18 Facsimile: (212) 486-2093
19 e-mail: llevy@wolfpopper.com
20 pavery@wolfpopper.com
21 emadoff@wolfpopper.com
22 eferguson@wolfpopper.com

23 Attorneys for Plaintiffs Daniel Butzer,
24 Laz Peterson, and Cindy Rio

25 THE UNITED STATES DISTRICT COURT OF CALIFORNIA
26
NORTHERN DISTRICT – SAN JOSE DIVISION

27 DANIEL BUTZER, LAZ PETERSON, and
28 CINDY RIO, On Behalf of Themselves
Individually, All Others Similarly Situated
and the General Public,

Plaintiffs,

v.

APPLE COMPUTER, INC.,

Defendants.

FILED

FEB - 9 2006

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

Case No. C05 03414 RMW

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER REVISING CLASS
CERTIFICATION SCHEDULE**

1 WHEREAS, the parties have agreed to adjust the deadlines pertaining to class certification
2 to permit a more orderly and efficient process for class discovery and briefing.

3 IT IS THEREFORE STIPULATED AND AGREED (i) the Plaintiffs shall file their
4 Motion for Class Certification by May 19, 2006, (ii) the Defendant shall file its Opposition by
5 July 18, 2006, (iii) the Plaintiffs shall file their Reply by September 18, and (iv) the Court shall
6 hold the hearing regarding Class Certification as soon as practicable thereafter.

7 Respectfully submitted,

8 DATED: 1/26/06

9
10 HULETT HARPER STEWART LLP
11 BLAKE MUIR HARPER
12 JENNIFER A. KAGAN

13 *Blake Muir Harper by JAK*
14 BLAKE MUIR HARPER

15 550 West C Street, Suite 1600
16 San Diego, CA 92101
17 Telephone: (619)338-1133
18 Facsimile: (619) 338-1139

19 Attorneys for Plaintiffs

20 DATED: _____

21 MORRISON & FOERSTER LLP
22 PENELOPE A. PREOVOLOS
23 ANDREW D. MUHLBACH
24 HEATHER A. MOSER

25 *Penelope A. Brown*
26 PENELOPE A. PREOVOLOS

27 425 Market Street
28 San Francisco, CA 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

IT IS SO ORDERED:

DATED: 2/9/06

Ronald M. Whyte

HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

Daniel Butzer, et al. v. Apple Computer, Inc.

CASE NO. C05 03414 RMW

I, the undersigned, declare under penalty of perjury that I am over the age of eighteen years and not a party to this action. I am employed in the County of San Diego, State of California. My business address is: 550 West C Street, Suite 1600, San Diego, CA 92101.

That on January 26, 2006, I served the following document(s) entitled: **STIPULATION AND [PROPOSED] ORDER REVISING CLASS CERTIFICATION SCHEDULE** on ALL INTERESTED PARTIES in this action:

SEE ATTACHED SERVICE LIST

- **BY MAIL:** By placing a true copy thereof in a sealed envelope addressed as above, and placing it for collection and mailing following ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence, pleadings, and other matters for mailing with the United States Postal Service. The correspondence, pleadings and other matters are deposited with the United States Postal Service with postage thereon fully prepaid in San Diego, California, on the same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

□ **BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be contained in an overnight envelope and to be deposited in a **Federal Express/Overnite Express** box located at 550 West C Street, San Diego, California, for delivery to the above address(es).

□ **BY FAX:** I transmitted a copy of the foregoing document(s) this date via telecopier to the facsimile numbers shown on the attached service list. The facsimile machine I used reported no error and I caused the machine to print a transmission record of the transmission.

□ **BY PERSONAL SERVICE:** I had such envelope delivered by hand where indicated.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 26, 2006, at San Diego, California.

Anita Villanueva
ANITA VILLANUEVA

APPLE COMPUTERS

Case No.: C05 03414 RMW

Service List

PLAINTIFFS' COUNSEL

Blake Muir Harper
Jennifer A. Kagan
HULETT HARPER STEWART LLP
550 West C Street, Suite 1600
San Diego, CA 92101
Telephone: (619) 338-1133
Facsimile: (619) 338-1139
e-mail: bmh@huletharper.com
jenni@huletharper.com

Lester L. Levy
Patricia I. Avery
Emily Madoff
Elizabeth Ferguson
WOLF POPPER LLP
845 Third Avenue
New York, NY 10022
Telephone: (212) 759-4600
Facsimile: (212) 486-2093
e-mail: llevy@wolffpopper.com
pavery@wolffpopper.com
emadoff@wolffpopper.com
eferguson@wolffpopper.com

DEFENSE COUNSEL

Penelope A. Preovolos
Andrew D. Muhlbach
Heather A. Moser
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522
e-mail: ppreovolos@mofo.com
amuhlbach@mofo.com
hmoser@mofo.com